

JAN 11 2017

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) 4:17CR018 HEA/NCC
)
 PATRICK DARRELL SMITH,)
)
 Defendant.)

INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term:

- (a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(a));
- (b) "sexually explicit conduct" to mean actual or simulated
 - (i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex,
 - (ii) bestiality,
 - (iii) masturbation,
 - (iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C. §2256(2)(A)); and

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6)).

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

2. The "Internet" was, and is, a computer communications network using interstate and foreign telephone lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. On or about August 3, 2016, in the Eastern District of Missouri, and elsewhere,

PATRICK DARRELL SMITH,

the defendant herein, did knowingly employ, use, persuade, induce, and entice "S," who was younger than ten years of age, to engage in sexually explicit conduct, specifically, defendant video recorded "S" in a lascivious display of her genitals, including photographing her as he placed his penis on her, and said sexually explicit conduct was for the purpose of producing

visual depictions of such conduct, and such depictions were produced using a Samsung cell phone,

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT II

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.
2. On or about August 6, 2016, in the Eastern District of Missouri, and elsewhere,

PATRICK DARRELL SMITH,

the defendant herein, did knowingly employ, use, persuade, induce, and entice "S," who was younger than ten years of age, to engage in sexually explicit conduct, specifically, defendant video recorded "S" in a lascivious display of her genitals, including photographing her as he placed his penis on her and touched her genitals with his fingers, and said sexually explicit conduct was for the purpose of producing visual depictions of such conduct, and such depictions were produced using a Samsung cell phone,

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

A TRUE BILL.

FOREPERSON

RICHARD G. CALLAHAN
United States Attorney

ROBERT F. LIVERGOOD, #35432MO
Assistant United States Attorney